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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)
MIT 10327 US

In re Application of: Brian D. Kernan et al.

Application No.: 10/723,989

Filed: November 26, 2003

For: INFILTRATING A POWDER METAL SKELETON BY A SIMILAR ALLOY WITH DEPRESSED MELTING POINT EXPLOITING A PERSISTENT LIQUID PHASE AT EQUILIBRIUM, SUITABLE FOR FABRICATING STEEL PARTS

The owner*, Massachusetts Institute of Technology, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,719,948 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
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2. The undersigned is an attorney or agent of record. Reg. No. 31,581


Signature

February 9, 2007

Date

Steven J. Weissburg
Typed or printed name

617 354-9343
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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